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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,867

Applicant(s)

SULLIVAN ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed Nov. 03, 2006 have been fully considered but they are not persuasive.

In re pages 14-16, applicant argues, with respect to claim 14, that nothing in Goode patent discloses or suggests that the Goode system is "capable of extending the transition", as again it is not clear whether it is the transition timer or the arrival of the new information stream that actually controls the fade in of the subsequence video.

In response, the examiner respectfully disagrees. Goode et al discloses in col. 6, lines 13-21 "generally, the time required to fade up and fade down the predefined image is approximately two seconds. **Of course, this time is directly related to the expected latency of the information distribution system and is typical established using a transition timer within the decoder.** The cropped frozen image is repeatedly refreshed on display until the transition timer times out". From the above passage, It is

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clear that Goode et al does indeed disclose the claimed "capable of extending the transition" by set up the timer within the decoder.

3. Applicant's arguments with respect to claims 1-13 and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 7, 10-12 and 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferster (US Patent No. 5,559,562).

In consider claim 1, Ferster discloses all the claimed subject matter, note 1) the claimed means for providing an output to a display in response to an input signal received from a video source, said output providing means including means for buffering the input signal is met by the video stream 120 for further operations, for example, transmittal, display or storage (Fig. 3, col. 4, lines 23-54), 2) the claimed means for decoding an encoded video signal into a decoded video signal is met by the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65), 3) the claimed means, coupled to said output providing means, for overlaying the decoded video signal decoded by said decoding means onto the display during a transition when said output providing means switches from a first video source to a second video source is met by the display of full frame 70 at the transition position 28 which creates by taking the previous full

frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65), and 4) the claimed wherein said apparatus comprises a plurality of encoded video signals, said apparatus being capable of selecting a specific encoded video signal for decoding and display during the transition, a subject matter of said specific encoded video signal being based upon relevance of said encoded video signal to either a subject matter of content displayed by the first video source prior to the transition or a subject matter of content selected for display via the second video source following the transition is met by the display of full frame 70 at the transition position 28 which creates by taking the previous full frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65).

In consider claim 3, the claimed said decoding means comprising a decoder compliant with an MPEG standard is met by the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65).

In consider claim 4, the claimed said overlaying means comprising a video overlay is met by the display of full frame 70 at the transition position 28 which creates by taking the previous full frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65).

In consider claim 7, the claimed further comprising an alternate means for decoding an encoded video signal into a decoded video signal wherein said overlaying

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means overlays the decoded video signal of said alternate decoding means during the transition when said decoding means is unavailable during the transition is met by the MPEG decoders 106 and 108 which receives and transition successive sequences of frames, with the transitioning occurring first from decoder 106 to decoder 108, then from decoder 108 to 106, etc., in ping-pong fashion (Fig. 3, col. 4, lines 23-65).

In consider claim 10, the claimed further comprising means for storing an encoded signal such that the encoded signal is available to be decoded by said decoding means upon an occurrence of the transition is met by the fifo memory 112 (Fig. 3, col. 4, lines 23-65).

In consider claim 11, the claimed further comprising a memory capable of storing an encoded signal such that the encoded signal is available to be decoded by said decoding means upon an occurrence of the transition is met by the fifo memory 112 (Fig. 3, col. 4, lines 23-65).

In consider claim 12, the claimed further comprising a processor for executing a program of instructions that controls the apparatus, said processor being coupled to said output providing means via a bus is met by the digital signal processor 102 (Fig. 3, col. 4, lines 23-65).

In considering claim 31, Ferster discloses all the claimed subject matter, note 1) the claimed means for providing an output to a display in response to an input signal received from a video source, said output providing means including means for buffering the input signal is met by the video stream 120 for further operations, for example, transmittal, display or storage (Fig. 3, col. 4, lines 23-54), 2) the claimed

means for decoding an encoded video signal into a decoded video signal is met by the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65), 3) the claimed means for detecting an occurrence of a video transition for a first video source to a second video source by said output providing means is met by the detecting the transition position 28 (Figs. 2-3, col. 3, line 17 to col. 4, line 65), 4) the claimed means for determining if an occurrence of a video transition from a first video source to a second video source is detected, if a first decoder is available is met by the digital signal processor 102 (Fig. 3, col. 4, lines 23-65), 5) the claimed means for selecting a second decoding means if the first decoder is not available is met by the MPEG decoders 106 and 108 which receives and transition successive sequences of frames, with the transitioning occurring first from decoder 106 to decoder 108, then from decoder 108 to 106, etc., in ping-pong fashion (Fig. 3, col. 4, lines 23-65), 6) the claimed means, coupled to said output providing means, for overlaying the decoded video signal decoded by one of said decoding means onto the display during the transition when said output providing means switches from the first video source to the second video source is met by the mixer/encoder 110 (Fig. 3, col. 4, lines 23-65), and 7) the claimed a processor for executing a program of instructions that controls the apparatus, said processor being coupled to said output providing means via a bus is met by the digital signal processor 102 (Fig. 3, col. 4, lines 23-65).

Claim 32 is rejected for the same reason as discussed in claim 31.

In considering claim 33, the claimed further comprising decoding the transition video by the first decoder if the first decoder is available is met by the first decoder 106

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and the editor can, if desired work with the fractional differences provided by the MPEG format for the first and second video image data streams respectively and simply add the respectively fractions of those streams to generate corresponding frames in the edited video stream, representing the transitioned sequence (Figs. 2-3, col. 3, line 17 to col. 4, line 65).

In considering claim 34, the claimed further comprising decoding the transition video by the second decoder if the first decoder is not available is met by the second decoder 108 and the editor can, if desired work with the fractional differences provided by the MPEG format for the first and second video image data streams respectively and simply add the respectively fractions of those streams to generate corresponding frames in the edited video stream, representing the transitioned sequence (Figs. 2-3, col. 3, line 17 to col. 4, line 65).

In considering claim 35, the claimed further comprising overlaying the transition video during the video transition from a first video source to a second video source is met by the mixer/encoder 110 (Fig. 3, col. 4, lines 23-65).

In considering claim 36, the claimed further comprising receiving video from the second video source is met by the second video stream 22 (Figs. 2-3, col. 3, line 17 to col. 4, line 65).

In considering claim 37, the claimed wherein the subject matter of said specific encoded video signal is related to the subject matter of the content displayed by generating the new video frame at the transition position, the fractional parts of the first

and second image frames respectively preferably summing to one (Figs. 2-3, col. 3, line 17 to col. 4, line 65).

In considering claim 38, the claimed wherein the subject matter of said specific encoded video signal is related to the subject matter of the content selected for display via the second video source is met by the display of full frame 70 at the transition position 28 which creates by taking the previous full frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65).

In considering claim 39, the claimed wherein the subject matter of the content selected for display via the second video source is different than the subject matter of content displayed by the first video source is met by the second image stream 22 which different from the first image stream 20 (Figs. 2-3, col. 3, line 17 to col. 4, line 65).

6. Claims 14, 16-17, 19-20 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Goode et al (US Patent No. 5,559,562).

In consider claim 14, Goode et al discloses all the claimed subject matter, note 1) the claimed means for providing an output to a display in response to an input signal received from a video source, said output providing means including means for buffering the input signal is met by the set top terminal 108 which receives the video program stream via a forward channel, processes the decompressed information for display upon the display unit 110 (Fig. 1, col. 4, lines 5-33), 2) the claimed means for decoding an encoded video signal into a decoded video signal is met by the decoder 130 (Fig. 1, col. 4, lines 34-56), and 3) the claimed means, coupled to said output

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providing means, for overlaying the decoded video signal decoded by said decoding means onto the display during a transition when said output providing means switches from a first video source to a second video source is met by the display of such function information is generally handled by recalling a particular bit map image, overlay image, or on-screen display (OSD) graphic from the image memory for display upon the display unit during a transition period when switch from first video sequence to the second video sequence (Fig. 1, col. 3, line 54 to col. 4, line 19), and 4) the claimed wherein said apparatus is capable of extending the transition to a predetermined time duration when said output providing means switches from the first video source to the second video source, thereby ensuring that the decoded video signal is capable of being displayed in its entirety is met by the setting a transition timer within the decoder (Fig. 2, col. 5, line 21 to col. 6, line 30).

In consider claim 16, the claimed said decoding means comprising a decoder compliant with an MPEG standard is met by the MPEG decoder 103 (Fig. 1, col. 4, lines 5-56).

In consider claim 17, the claimed said overlaying means comprising a video overlay is met by the display of such function information is generally handled by recalling a particular bit map image, overlay image, or on-screen display (OSD) graphic from the image memory for display upon the display unit during a transition period when switch from first video sequence to the second video sequence (Fig. 1, col. 3, line 54 to col. 4, line 19).

In consider claim 19, the claimed said decoding means being capable of receiving the encoded video signal via a network is met by the communications network 106 (Fig. 1, col. 3, lines 1-60).

In consider claim 20, the claimed further comprising an alternate means for decoding an encoded video signal into a decoded video signal wherein said overlaying means overlays the decoded video signal of said alternate decoding means during the transition when said decoding means is unavailable during the transition is met by the display of such function information is generally handled by recalling a particular bit map image, overlay image, or on-screen display (OSD) graphic from the image memory for display upon the display unit during a transition period when switch from first video sequence to the second video sequence (Fig. 1, col. 3, line 54 to col. 4, line 19).

In consider claim 23, the claimed further comprising means for storing an encoded signal such that the encoded signal is available to be decoded by said decoding means upon an occurrence of the transition is met by the generating a predefined images which stores in the image memory 128 that contains a plurality of bit map images, the bit map images can be selectively display, vide clips, audio clips, animation, graphical images and the like (Fig. 1, col. 4, line 34 to col. 5, line 63).

In consider claim 24, the claimed further comprising a memory capable of storing an encoded signal such that the encoded signal is available to be decoded by said decoding means upon an occurrence of the transition is met by the generating a predefined images which stores in the image memory 128 that contains a plurality of bit

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map images, the bit map images can be selectively display, vide clips, audio clips, animation, graphical images and the like (Fig. 1, col. 4, line 34 to col. 5, line 63).

In considering claim 25, the claimed further comprising a processor for executing a program of instructions that controls the apparatus, said processor being coupled to said output providing means via a bus is met by the CPU 122 (Fig. 1 and 2, col. 4, line 34 to col. 6, line 30).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferster (US Patent No. 5,559,562).

In considering claim 40, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the subject matter of the content is determined from an electronic program guide database. The capability of using the subject matter of the content is determined from an electronic program guide database is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the subject matter of the content is determined from an electronic program guide database into Ferster's system in order to edit the MPEG scenes which are relatively low in cost, reliable, and flexible in

operation.

In considering claim 41, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the subject matter of the content is determined from an entry in an electronic program guide for a station providing the content displayed on the first video source. The capability of using the subject matter of the content is determined from an entry in an electronic program guide for a station providing the content displayed on the first video source is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the subject matter of the content is determined from an entry in an electronic program guide for a station providing the content displayed on the first video source into Ferster's system in order to edit the MPEG scenes which are relatively low in cost, reliable, and flexible in operation.

9. Claims 2, 5, 8-9 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferster (US Patent No. 5,559,562) in view of Jernigan et al (US Patent No. 5,233,423).

In considering claim 2, Ferster discloses all the claimed subject matter, note 1) the claimed said buffering means comprising video memory is met by the fifo memory 112 (Fig. 3, col. 4, lines 23-65). However, Ferster explicitly do not disclose the claimed said output providing means comprising a graphics controller. Jernigan et al teach that a graphics and memory controller 20 is coupled to the micro-controller 16 and the ROM 12 for addressing the ROM 12 under control of the micro-controller 16 and for

generating the appropriate graphic images representative of the data being addressed in ROM 12, the output from the graphics and memory controller 20 is applied to a pallet controller 22 (in the event of color) via the data bus 14 which generates the RGB video signal for the particular advertisement (col. 2, lines 35-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a graphics controller as taught by Jernigan et al into Ferster's system in order to providing the source of image video signal to be displayed.

In considering claim 5, Ferster discloses all the claimed subject matter, note 1) the claimed said buffering means comprising video memory, said decoding means comprising a decoder compliant with an MPEG standard, and said overlaying means comprising a video overlay is met by the FIFO memory 112 and the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65). However, Ferster explicitly do not disclose the claimed said output providing means comprising a graphics controller. Jernigan et al teach that a graphics and memory controller 20 is coupled to the micro-controller 16 and the ROM 12 for addressing the ROM 12 under control of the micro-controller 16 and for generating the appropriate graphic images representative of the data being addressed in ROM 12, the output from the graphics and memory controller 20 is applied to a pallet controller 22 (in the event of color) via the data bus 14 which generates the RGB video signal for the particular advertisement (col. 2, lines 35-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a graphics controller as taught by Jernigan et al into Ferster's system in order to providing the source of image video signal to be displayed.

In considering claim 8, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed said decoding means being capable of decoding an encoded commercial video signal into a decoded commercial video signal such that said overlaying means overlays the decoded commercial video signal during the transition. Jernigan et al teach that in particular, the method comprises locally storing in said television receiver data representing commercial advertisements, selectively converting said data into video signals, and selectively switching said video signals to the display of said television receiver for a predetermined period of time (col. 1, lines 33 to col. 2, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the display commercial advertisement as taught by Jernigan et al into Ferster's system in order to deliver commercial advertisement to the consumer at a significantly lower cost to the advertiser.

In considering claim 9, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed said decoding means being capable of decoding a video signal containing advertisement information into a decoded commercial video signal containing advertisement information such that said overlaying means overlays the decoded video signal containing advertisement information during the transition. Jernigan et al teach that in particular, the method comprises locally storing in said television receiver data representing commercial advertisements, selectively converting said data into video signals, and selectively switching said video signals to the display of said television receiver for a predetermined

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period of time (col. 1, lines 33 to col. 2, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the display commercial advertisement as taught by Jernigan et al into Ferster's system in order to deliver commercial advertisement to the consumer at a significantly lower cost to the advertiser.

In considering claim 27, Ferster discloses all the claimed subject matter, note 1) the claimed means for providing an output to a display in response to an input signal received from a video source, said output providing means including means for buffering the input signal, said buffering means comprising video memory is met by the video stream 120 for further operations, for example, transmittal, display or storage (Fig. 3, col. 4, lines 23-54), 2) the claimed means for decoding an encoded video signal into a decoded video signal is met by the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65), 3) the claimed means for selecting a second decoding means if the decoding means is not available during a transition when said output providing means switches from a first video source to a second video source is met by the MPEG decoders 106 and 108 which receives and transition successive sequences of frames, with the transitioning occurring first from decoder 106 to decoder 108, then from decoder 108 to 106, etc., in ping-pong fashion (Fig. 3, col. 4, lines 23-65), and 4) the claimed means, coupled to said output providing means, for overlaying the decoded video signal decoded by one of said decoding means onto the display during the transition when said output providing means switches from the first video source to the second video source is met by the mixer/encoder 110 (Fig. 3, col. 4, lines 23-65).

However, Ferster explicitly do not disclose the claimed said output providing means comprising a graphics controller.

Jernigan et al teach that a graphics and memory controller 20 is coupled to the micro-controller 16 and the ROM 12 for addressing the ROM 12 under control of the micro-controller 16 and for generating the appropriate graphic images representative of the data being addressed in ROM 12, the output from the graphics and memory controller 20 is applied to a pallet controller 22 (in the event of color) via the data bus 14 which generates the RGB video signal for the particular advertisement (col. 2, lines 35-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a graphics controller as taught by Jernigan et al into Ferster's system in order to providing the source of image video signal to be displayed.

In consider claim 28, the claimed said decoding means comprising a decoder compliant with an MPEG standard is met by the MPEG decoders 106 or 108 (Fig. 3, col. 4, lines 23-65 of Ferster).

In consider claim 29, the claimed said overlaying means comprising a video overlay is met by the display of full frame 70 at the transition position 28 which creates by taking the previous full frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65 of Ferster).

Claim 30 is rejected for the same reason as discussed in claim 5.

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10. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferster (US Patent No. 5,559,562) in view of Goode et al (US Patent No. 5,781,227).

In consider claim 6, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed said decoding means being capable of receiving the encoded video signal via a network. Goode et al teach that the data streams are packetized and modulated onto a carrier that is compatible with the transmission requirements of the network 106 (Fig. 1, col. 3, lines 1-60). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the network as taught by Goode et al into Ferster's system in order to permit bi-directional communications between the service provider and the subscribers.

In consider claim 13, Ferster disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein said apparatus is capable of extending the transition to a predetermined time duration when said output providing means switches from the first video source to the second video source, thereby ensuring that the decoded video signal is capable of being displayed in its entirety. Goode et al teach that generally, the time required to fade up and fade down the predefined image is approximately two seconds, of course, this time is directly related to the expected latency of the information distribution system and is typical established using a transition timer within the decoder, the cropped frozen image is repeatedly refreshed on display until the transition timer times out (Fig. 2, col. 5, line 21 to col. 6, line 30). Therefore, it would have been obvious to one ordinary skill in the art

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at the time of the invention to incorporate the set up timer as taught by Goode et al into Ferster's system in order to mask the effects of latency in an interactive information distribution system.

11. Claims 15, 18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (US Patent No. 5,781,227) in view of Jernigan et al (US Patent No. 5,233,423).

In considering claim 15, Goode et al discloses all the claimed subject matter, note 1) the claimed said buffering means comprising video memory is met by the image memory 128 (Fig. 1, col. 4, lines 34-56). However, Goode et al explicitly do not disclose the claimed said output providing means comprising a graphics controller. Jernigan et al teach that a graphics and memory controller 20 is coupled to the micro-controller 16 and the ROM 12 for addressing the ROM 12 under control of the micro-controller 16 and for generating the appropriate graphic images representative of the data being addressed in ROM 12, the output from the graphics and memory controller 20 is applied to a pallet controller 22 (in the event of color) via the data bus 14 which generates the RGB video signal for the particular advertisement (col. 2, lines 35-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a graphics controller as taught by Jernigan et al into Goode et al's system in order to providing the source of image video signal to be displayed.

In considering claim 18, Goode et al discloses all the claimed subject matter, note 1) the claimed said buffering means comprising video memory, said decoding means comprising a decoder compliant with an MPEG standard, and said overlaying

means comprising a video overlay is met by the image memory 128 and the MPEG decoder 103 (Fig. 1, col. 3, line 54 to col. 4, line 56). However, Goode et al explicitly do not disclose the claimed said output providing means comprising a graphics controller. Jernigan et al teach that a graphics and memory controller 20 is coupled to the micro-controller 16 and the ROM 12 for addressing the ROM 12 under control of the micro-controller 16 and for generating the appropriate graphic images representative of the data being addressed in ROM 12, the output from the graphics and memory controller 20 is applied to a pallet controller 22 (in the event of color) via the data bus 14 which generates the RGB video signal for the particular advertisement (col. 2, lines 35-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a graphics controller as taught by Jernigan et al into Goode et al's system in order to providing the source of image video signal to be displayed.

In considering claim 21, Goode et al disclose all the limitations of the instant invention as discussed in claim 14 above, except for providing the claimed said decoding means being capable of decoding an encoded commercial video signal into a decoded commercial video signal such that said overlaying means overlays the decoded commercial video signal during the transition. Jernigan et al teach that in particular, the method comprises locally storing in said television receiver data representing commercial advertisements, selectively converting said data into video signals, and selectively switching said video signals to the display of said television receiver for a predetermined period of time (col. 1, lines 33 to col. 2, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate the display commercial advertisement as taught by Jernigan et al into Goode et al's system in order to deliver commercial advertisement to the consumer at a significantly lower cost to the advertiser.

In considering claim 22, Goode et al disclose all the limitations of the instant invention as discussed in claim 14 above, except for providing the claimed said decoding means being capable of decoding a video signal containing advertisement information into a decoded commercial video signal containing advertisement information such that said overlaying means overlays the decoded video signal containing advertisement information during the transition. Jernigan et al teach that in particular, the method comprises locally storing in said television receiver data representing commercial advertisements, selectively converting said data into video signals, and selectively switching said video signals to the display of said television receiver for a predetermined period of time (col. 1, lines 33 to col. 2, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the display commercial advertisement as taught by Jernigan et al into Goode et al's system in order to deliver commercial advertisement to the consumer at a significantly lower cost to the advertiser.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (US Patent No. 5,781,227) in view of Ferster (US Patent No. 5,559,562).

In considering claim 26, Goode et al disclose all the limitations of the instant invention as discussed in claim 14 above, except for providing the claimed wherein said apparatus comprises a plurality of encoded video signals, said apparatus being capable

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of selecting a specific encoded video signal for decoding and display during the transition, a subject matter of said specific encoded video signal being based upon relevance of said encoded video signal to either a subject matter of content displayed by the first video source prior to the transition or a subject matter of content selected for display via the second video source following the transition. Ferster teaches that the display of full frame 70 at the transition position 28 which creates by taking the previous full frame or key frame 50 in the second image stream 22 and reconstructing from it the full image corresponding to difference frame 56 (Figs. 2 and 3, col. 3, line 17 to col. 4, line 65). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the specific encoded video signal as taught by Ferster into Goode et al's system in order to edit the MPEG scenes which are relatively low in cost, reliable, and flexible in operation.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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May 24, 2007



Trang U. Tran
Primary Examiner
Art Unit 2622